

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Tyrel Rashone Collins,)	Civil Action Number 6:22-660-SAL
)	
Petitioner,)	
)	OPINION AND ORDER
vs.)	
)	
Brian Kendall, Warden of Lieber)	
Correctional Institution,)	
)	
Respondent.)	

This matter is before the court for review of the October 19, 2021, Report and Recommendation (the “Report”) of United States Magistrate Judge Kevin F. McDonald, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.). [ECF No. 29.] In the Report, the Magistrate Judge recommends that the Respondent’s Motion for Summary Judgment, ECF No. 13, and Motion to Strike, ECF No. 21, be granted. *Id.* at 23. No party filed objections to the Report, and the time to do so has lapsed.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, ECF No. 29, and incorporates the Report by reference herein. Accordingly, Respondent's Motion for Summary Judgment, ECF No. 13, and Motion to Strike, ECF No. 21, are **GRANTED**. As a result, this action is **DISMISSED**.

IT IS SO ORDERED.

November 28, 2022
Columbia, South Carolina

/s/Sherri A. Lydon
Sherri A. Lydon
United States District Judge